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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOVANNY MAYORGA, an individual,

Plaintiff,

vs.

DIET CENTER LLC d/b/a and a/k/a
HEART ATTACK GRILL; DOES I through
X; and ROE Corporations XI through XX,
inclusive,

Defendant.

Case No: 2:21-cv-02105-JCM-NJK

**STIPULATION AND ORDER TO EXTEND
DEADLINE TO RESPOND TO
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT**

(First Request)

**STIPULATION AND ORDER TO EXTEND DEADLINE TO
RESPOND TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to LR IA 6-1, Plaintiff Jovanny Mayorga ("Plaintiff") and Diet Center LLC ("Defendant"), by and through their respective undersigned counsel, hereby stipulate to extend the deadline for Plaintiff to respond to Defendant's Motion for Summary Judgment filed on December 14, 2022, ECF No. 32, for a period of thirty (30) days up to and including Friday, February 3, 2023. This is the first request for an extension to respond to Defendant's Motion for Summary Judgment.

This requested extension is respectfully sought in good faith and not for purposes of undue delay.

After exigent medical concerns related to Defendant's counsel belonging to one of the two firms representing Defendant, Plaintiff and Defendant agreed, and this

1 Honorable Court entered, an extension of the discovery cut-off deadline of 45 days
2 from September 30, 2022 to November 14, 2022. ECF 31. Defendant timely filed their
3 Motion for Summary Judgment on December 14, 2022. ECF 32.

4 Plaintiff's counsel requests this extension after extenuating personnel and
5 personal commitments requiring such extension. Plaintiff's counsel has had prior
6 scheduled travel commitments to see his father-in-law who has just been diagnosed
7 with congestive heart failure, with that trip needing to be rescheduled due to the Artic-
8 like storms in Chicago. Plaintiff counsel further needs to tend to personal family
9 matters, including: issues related to his father's medical prognosis, his ongoing legal
10 matters, the holidays and his father's legal proceedings that have been set for final trial
11 at the end of January after almost two years of litigation and multiple firms in his
12 father's case. If requested, Plaintiff's counsel would also be receptive to confidential
13 discussion with this Honorable Court as to unfortunate and extenuating family medical
14 and legal issues since Plaintiff's father was urgently placed into ICU for over a month,
15 then MCU for two months, rehabilitative therapy for six months, and now assisted living
16 which has caused Plaintiff's counsel to spend inordinate time dealing with his father's
17 ongoing civil and other criminal matters which will hopefully conclude at the end of
18 January 2023.

19 Plaintiff's counsel also experienced personnel turnover further necessitating this
20 extension and actively sought employees and provided the appropriate training, hiring,
21 and supervision to diligently pursue these matters. Plaintiff's firm has new personnel
22 starting in January of 2023. Further, a key staff member experienced debilitating
23 issues with kidney stones and an autoimmune disorder which has further delayed the
24 filing of Plaintiff's response.

The requested thirty (30) days is sought as Plaintiff needs such time for an appropriate Response and does not want to seek further Court intervention for the extended time.

Dated this 5th day of January 2023.

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By: /s/ Christian Gabroy
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Dated this 5th day of January 2023.

PICCOLO LAW OFFICES

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IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

Dated: January 6, 2023

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